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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,946	12/09/2003	Ralph McCall	PUS-M012-001	2718
35246 7590 05/17/2007 MOETTELI & ASSOCIES SARL CASE POSTALE 486 GENEVA, CH-1211 SWITZERLAND			EXAMINER TIMBLIN, ROBERT M	
			ART UNIT 2167	PAPER NUMBER
			MAIL DATE 05/17/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/729,946

Applicant(s)

MCCALL, RALPH

Examiner

Robert M. Timblin

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2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is in response to application 10/729,946 as filed on 12/09/2003.

Response to Amendment

Claims 1-2, and 4-10 have been amended. The amendments have been entered and accordingly claims 1-10 are pending prosecution.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/21/2007 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1- 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rasmussen et al. ('Rasmussen' hereafter) (U.S. Patent Application 2002/0126990 A1) in view of **Martin et al.** ('Martin') (U.S. Patent Application 2002/0120519 A1).

With respect to claim 1, Rasmussen teaches A system for developing customer relationships with readers/viewers of a media for relating a story having a title, a body, an end, and dramatically created points of interest interspersed throughout the body, wherein the system comprises:

the media (abstract).

a media storage device, the media being stored therein (0067).

wherein the media has a contact aid encoded in the body of the story, proximate one of the dramatically created points of interest (0025, 0034, and figures 1-2). Paragraphs 0035, and 0040-0041 also teach enhanced hot spots.

wherein, upon selection of the contact aid by the reader/viewer (0034), a channel of communication is established from which the reader/viewer can interact with the customer relationship management module (CRMM) regarding the point of interest, the CRMM capturing information about the reader/viewer and analyzing the captured information only if the reader/viewer selects the contact aid, serving up appropriate portions of supplemental data to the reader/viewer (0029, 0063);

wherein the contact aid is associated with an author or character of the story (0044 and figure 3):

serving up appropriate portions of supplemental data to the reader/viewer (0073 and figure 8).

the contact aid being a mechanism is associated with an author or a character of the story (0044 and figure 3).

Rasmussen fails to expressly teach a customer relationship management module (CRMM) and the CRMM capturing information about the reader/viewer and analyzing the

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captured information. Rasmussen further fails to teach upon selection of the contact aid by the reader/viewer, establishing a channel of communication with the CRMM regarding the point of interest.

Martin, however, teaches a customer relationship management module (CRMM) (0169) to establish and maintain relationships with the customers (0174).

the CRMM capturing information about the reader/viewer and analyzing the captured information (0166) to ensure that a consumer's preferences are correlated with the services/products being acquired (0009).

Martin further teaches upon selection of the contact aid by the reader/viewer, establishing a channel of communication with the CRMM regarding the point of interest (abstract and 0017) for receiving an indication of interest from a customer.

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because the teachings of Martin would have provided Rasmussen's system with maintaining relationships with the customers and furthermore ensuring a consumer's preferences are correlated with the services/products being acquired.

With respect to claim 2, Rasmussen teaches the contact aid is selected from the group consisting of character-specific postal address, telephone number, email, SMS, chat room address, IP address, web page address, activatable mailto hyperlink, and hypertext link to a URL. (0034).

With respect to claim 3, Rasmussen teaches a processor which analyses the captured information, identifying supplemental data in a supplemental database on which the supplemental data is stored (0032); and

a server which serves up the supplemental data to the reader/viewer (0034).

Rasmussen fails to expressly teach wherein the CRMM comprises at least one customer profile capture module (CPCM) for capturing information about the reader/viewer.

Martin, however, teaches the CRMM comprises at least one customer profile capture module (CPCM) for capturing information about the reader/viewer (profile information in the abstract and consumer profile database in figure 1) for use in correlating user information with products and services (abstract, Martin).

In the same field of endeavor, (i.e. consumer relations), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because by using the customer profile information of Martin, Rasmussen would have been better suited to tailor hot spots to an individuals buying habits and interests to efficiently target an audience (suggested in Rasmussen at 0032 on page 3).

With respect to claim 4, Rasmussen teaches a media for relating a story having a title, a body, an end (fig. 2 and 0030), and dramatically created points of interest interspersed throughout the body (figure 2, drawing references 202, 204, 206, and hot spots) wherein the media comprises at least one contact aid encoded in the body of the story (0034), proximate a point of interest, wherein, upon a selection by a reader/viewer, the contact aid aids in establishing a channel of communication from which the reader/viewer can interact with ah customer relationship management module (CRMM) regarding the point of interest, the CRMM capturing

information about the reader/viewer and analyzing the captured information only if the selection of the contact aid by the reader/viewer is made, the CRMM further serving up appropriated portions of supplemental data to the reader/viewer;

wherein the contact aid is associated with an author or a character of the story (0044 and figure 3).

With respect to claim 5, Rasmussen teaches the contact aid is selected from the group consisting of character-specific postal address, telephone number, email, SMS, chat room address, IP address, web page address, activatable mailto hyperlink, and hypertext link to a URL. (0034).

With respect to claim 6, Rasmussen teaches A method of determining points of insertion of E-interaction points in a story media for interacting with a customer relationship management module, the method comprised of the steps of:

screening the story media in front of at least one test subject instructed to identify points of interest in the media, the at least one test subject not being the intended reader/viewer of the story media (as the author tests hot spots and finds a region for the hot spots (0044)). The hotspots may be tailored to an individual's interests (0032).

soliciting inputs of the at least one test subject in association with points of interest (as the author finds the best location for a hot spot (0047) which are tailored to an individual's interests (0032)).

inserting an E-interaction point in the story media based upon the inputs of the at least one test subject (0047-0049), wherein each E-interaction point (hot spot 202, 204, 206), when accessed by the reader/viewer of the story media (0029).

Rasmussen fails to expressly teach establishing a channel of communication between the reader/viewer and the customer relationship management module.

Martin, however teaches a customer relationship management (CRM) module (0169) for providing automated marketing, sales, and customer care. Furthermore, Martin's system receives indication from a customer (i.e. input from a reader/viewer) who wants to purchase an item to correlate that information with products and services.

In the same field of endeavor, (i.e. consumer relations), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because by using the customer profile information of Martin, Rasmussen would have been better suited to tailor hot spots to an individuals buying habits and interests to efficiently target an audience (suggested in Rasmussen at 0032 on page 3). By Rasmussen using the customer relation data of Martin, they could better correlate this user data with products and services (given by Martin, abstract) for tailoring to an individual's buying habits and interests (Rasmussen 0032). Rasmussen also teaches sending and aggregating input data to a server (e.g. a vote)(0031).

With respect to claim 7, the limitations of this claim are essentially similar to claims 1, 3, and 4 above and therefore rejected for the same reasons set forth in those claims. Furthermore, Rasmussen fails to teach configuring Customer Relations Management module so as to interact

with the intended reader/viewer in response to identified needs/interests so as to improve sales of the products.

Martin, however, teaches this limitation as correlating user needs with providers' goods and services (abstract and 0008) to establishing and maintaining relationships with a retailer's customers (0174).

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because this teaching of Martin would have provided Rasmussen's system with the benefit of establishing and maintaining relationships with a retailer's customers (0174). This benefit would lead to customer loyalty and thus an improvement in sales.

With respect to claim 8, Rasmussen teaches A system for developing a customer relationship with a reader of a story media for relating a story having a title, a body, an end, and dramatically created points of interest interspersed throughout the body, wherein the system comprises:

the story media (abstract), wherein the story media is selected from a group consisting of books, journals, magazines, newspapers, cinema, television, and the Internet (abstract, 0025, 0067 and fig. 1);

a media storage device suitable for storing the story media (0067), the story media being stored therein, and the story media having at least one contact aid (0029, 0063) encoded in the body of the story proximate a point of interest (0025, 0034, and figures 1-2), the contact aid being associated in the body of the story with an author or a character of the story (figure 2),

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whereupon the reader (viewer; 0012), upon selecting the contact aid (0029), establishes a channel of communication (0031)

serving up appropriate portions of supplemental data to the reader if the reader selects the contact aid (0029, 0063).

Rasmussen fails to expressly teach interacting with the customer relationship management module and the customer relationship management module disposed to capture information about the reader and analyze the captured information.

Martin, however, teaches the customer relationship management module (0166-0169) for capturing an analyzing usage data.

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because the teachings of Martin would have provided Rasmussen's system with maintaining relationships with the customers and furthermore ensuring a consumer's preferences are correlated with the services/products being acquired.

With respect to claim 9, Rasmussen teaches the system for developing customer relationships with readers of a story media of claim 8, wherein the point of interest are E-interaction points inserted in the story media the points of interest being determined by:

screening the story media in front of at least one test subject instructed to identify points of interest in the media (0051), the at least one test subject not being the intended reader/viewer of the story media as the author tests hot spots and finds a region for the hot spots (0044). The hotspots may be tailored to an individuals interests (0032).

soliciting inputs of the at least one test subject in association with points of interest as making hot spots available to viewers in a demographic segment (0034).

inserting an E-interaction point in the story media based upon the inputs of the at least one test subject (0047-0049), wherein each E-interaction point (hot spot 202, 204, 206), when accessed by the reader/viewer of the story media (0029), establishes a channel of communication between the reader/viewer (0031) and the customer relationship management module.

Rasmussen fails to expressly teach establishing a channel of communication between the reader/viewer and the customer relationship management module.

Martin, however teaches a customer relationship management (CRM) module (0169) for providing automated marketing, sales, and customer care. Furthermore, Martin's system receives indication from a customer (i.e. input from a reader/viewer) who wants to purchase an item to correlate that information with products and services.

In the same field of endeavor, (i.e. consumer relations), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because by using the customer profile information of Martin, Rasmussen would have been better suited to tailor hot spots to an individuals buying habits and interests to efficiently target an audience (suggested in Rasmussen at 0032 on page 3). By Rasmussen using the customer relation data of Martin, they could better correlate this user data with products and services (given by Martin, abstract) for tailoring to an individual's buying habits and interests (Rasmussen 0032). Rasmussen also teaches sending and aggregating input data to a server (e.g. a vote)(0031).

With respect to claim 10, Rasmussen teaches inserting the E-interaction points within the story media proximate the points of interest (0025, 0034, and figures 1-2).

Although Rasmussen fails to expressly teach configuring the customer Relations Management module so as to interact with an anticipated reader/viewer in response to an identified need/interest and to offer for sale the appropriate products, Rasmussen does teach interacting with a user upon selection of a hot spot (e.g. a green hot spot may cause a product purchase to be initiated).

Martin expressly teaches the customer relations management module (0166-0169) for capturing and analyzing consumer data.

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because this teaching of Martin would have provided Rasmussen's system with the benefit of establishing and maintaining relationships with a retailer's customers (0174). This benefit would lead to customer loyalty and thus an improvement in sales.

Response to Arguments

Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection. The Examiner respectfully believes the Applicant's arguments are addressed in the rejection presented above.

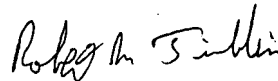
Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Timblin whose telephone number is 571-272-5627. The examiner can normally be reached on M-F 8:00-4:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Robert M. Timblin



Patent Examiner AU 2167
5/11/2007



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